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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,134	08/02/2006	Stefan F. Brouwer	209593-101180	1666

26127 7590 05/08/2007  
DYKEMA GOSSETT PLLC  
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EXAMINER
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ROBINSON, MARK A

ART UNIT	PAPER NUMBER
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2872

MAIL DATE	DELIVERY MODE
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05/08/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/553,134

Applicant(s)

BROUWER ET AL.

Examiner

Mark A. Robinson

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-28 is/are pending in the application.
- 4a) Of the above claim(s) 11-14 and 24-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-10, 15-23, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/9/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of the species shown in fig. 3-5 in the reply filed on 2/28/07 is acknowledged.

Claims 8-10,15-19,20-23,27 and 28 read on the elected species and will be examined as follows.

Claims 11-14 and 24-26 are withdrawn from consideration as being drawn to non-elected subject matter.

### ***Claim Objections***

2. Claims 16 and 22 are objected to because of the following informalities. Appropriate correction is required.

In claim 16 "a contact surfaces" is grammatically incorrect.

In claim 22 it appears that "first" in the last line should be "second" since the specification teaches the mirror to be in the second position during folding adjustment. Note also that the correct language is used in claim 9.

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***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 10 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 10 requires the actuator to perform pivoting of the mirror housing in addition to the transverse movement required by claim 8. However, the construction of such an actuator and any necessary associated mechanisms capable of performing both of these functions has not been set forth in either the specification or drawings. Accordingly, this feature is not enabled by the disclosure.

Claim 28 depends from claim 24 (which is withdrawn from consideration as being directed to the embodiment of fig. 1) and requires an elastically deformable material. However, there is no support in the specification for use of an elastically

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deformable material in conjunction with the fig. 1 embodiment. Thus, it appears that claim 28 should depend from claim 27. For examination purposes, it will be treated so.

Note: if applicant maintains that claim 28 should depend from claim 24, claim 28 will be withdrawn from consideration in the next office action.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 8-10,15-23,27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Whitehead (US 6239928).

Whitehead discloses a wing mirror unit for a motor vehicle including a mirror foot(14), mirror housing(12), and an actuator (see fig. 5), wherein the mirror is foldable between folded and transverse extended positions, and the actuator moves adjacent surfaces of the housing and foot transversely with respect to each other between a first position where there is a slit between them and a second position where they abut (see figs. 1

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and 2; note that the left edge of housing 12 abuts foot portion 90 in the second position of fig. 1; note that there is a slit or space between these elements in the first position of fig. 2).

Regarding claim 9, Whitehead further shows the unit to be in the second position (abutment) during adjustment between the folded and unfolded orientations.

Inasmuch as claim 10 is able to be understood in light of the 112 rejections above, Whitehead teaches an actuator enabling pivoting of the housing.

Regarding claims 15-19, Whitehead further discloses a linear actuator (see fig. 5), contact surfaces to be formed of elastic material (the materials taught in the reference are inherently elastic to a certain extent), and translation-type movement of the housing. Regarding claim 19, note that deformation of the contact surface can occur simultaneously with pivoting of the mirror housing.

The limitations of claims 20-23, 27 and 28 are met by Whitehead as discussed above. Regarding claim 20, note that since the actuator is located in the housing/support arm, it is pivotally connected to the mirror foot.

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**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ogasawara and Flowers each disclose a pivotable mirror housing with elastic contact surfaces between the housing and mirror foot.

Foote discloses a mirror housing/foot arrangement wherein these two elements are movable transversely with respect to each other.

Whitehead (US 6139159) discloses a mirror housing/foot arrangement wherein these two elements are movable transversely with respect to each other. Note the slit between the elements in the first position (fig. 1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (571) 272-2319.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen, can be reached at (571) 272-2434. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR

5/3/07

  
MARK A. ROBINSON  
PRIMARY EXAMINER